

**BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION**

In the Matter of the Suspension	)	
	)	
of the Educator Certificate of	)	<b>CONSENT ORDER OF SUSPENSION</b>
	)	
Marcus Henrico Burgess	)	
	)	
Certificate # 182136	)	

**SUMMARY OF THE CASE**

The South Carolina State Board of Education (State Board) considered this matter on November 12, 2003. On March 12, 2003, the State Department of Education (Department) sent Mr. Marcus Henrico Burgess a notice of a hearing concerning the possible suspension or revocation of his South Carolina educator certificate # 182136 (certificate) to him by certified mail, return receipt requested delivery restricted to addressee. Mr. Burgess received the notice as evidenced by a postal receipt bearing his signature. Mr. Burgess initially requested a hearing but through his attorney, W.E. Jenkinson, III, Esquire, subsequently agreed with the Department to resolve the matter without a hearing by proposing the following terms and conditions to the State Board: (1) his certificate will be suspended from May 31, 2003 through November 11, 2004, (2) the suspension will be reported to the NASDTEC clearinghouse and all South Carolina school districts on the statutory grounds of unprofessional conduct, (3) before the reinstatement of his certificate, he will successfully complete a course or program in sexual harassment training approved by the Department and, (4) the order will be maintained as a public record by the Office of General Counsel of the Department. After considering the evidence presented, the State Board voted to accept the suspension of Mr. Burgess's certificate as agreed to by the parties.

Mr. Burgess holds a valid South Carolina certificate and has over six years of teaching experience. He was under contract with Florence County School District Three (District) for the 2003-2003 school year, as an assistant principal at Lake City High School. On November 20, 2002, it is alleged that Mr. Burgess asked a fourteen-year old female student whom he knew very well to come to his office. Once in the office Mr. Burgess closed the door. He told her that there were rumors that she was romantically interested in another female student at the school. Mr. Burgess then asked her about her sexual experiences. Mr. Burgess then hugged the student and kissed her on the forehead and the cheek. The student stated she was under the impression that he was going to kiss her on the mouth because he cupped her face with his hands. The student turned her head so that he kissed her on the cheek instead. The student

immediately ran out of the office and reported the incident to a teacher. Mr. Burgess admits her used poor judgment in his conversation with her and his actions towards her but emphatically denies any sexual interest in the student.

Mr. Burgess contacted the victim's family and requested that the student not file a sexual harassment complaint with the District. The District removed Mr. Burgess from his position and assigned him several independent projects for the remainder of the 2002-2003 school year. He was banned from the high school and any high school related events. The District did not offer Mr. Burgess a contract for the 2003-2004 school year. District Superintendent Beth Wright said that Mr. Burgess was on his way to becoming a high school principal until this incident.

#### **CONCLUSIONS OF LAW**

"The State Board of Education may, for just cause, either revoke or suspend the certificate of any person." Just cause includes: "unprofessional conduct." S.C. Code Ann. § 59-25-160 (1990); 24 S.C. Code Ann. Regulation 43-58 (1992). The State Board finds that the preponderance of the evidence presented supports its decision to accept the proposal of the parties to suspend Mr. Burgess's certificate. Accordingly, the Board hereby suspends Mr. Burgess's certificate # 182136 from May 31, 2003, through November 11, 2004, on the terms and conditions set forth above.

South Carolina State Board of Education

/S/ Greg Killian

Greg Killian

Chair

Columbia, South Carolina  
November 12, 2003

**I, Marcus Henrico Burgess, SC Teaching Certificate # 182136, do hereby agree to this Order of Suspension, consisting of two pages, and understand that this Order will be presented as signed to the State Board of Education on Wednesday, November 12, 2003**

\_\_\_\_\_  
Date

/S/ Marcus H. Burgess  
Signature